

AMENDED IN SENATE AUGUST 5, 2014

AMENDED IN SENATE JUNE 16, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 882**

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**Introduced by Assembly Member Gordon**

February 22, 2013

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An act to amend Sections 2153 and 11105 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 882, as amended, Gordon. Voter registration and recall elections.

(1) Under existing law, if a county elections official receives an affidavit of voter registration that does not include all required information, and the elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the elections official is required to inform the affiant of the reason for rejection of the affidavit and send to the affiant a new voter registration card.

This bill would allow the elections official under these circumstances to send to the affiant any other document, as determined by the elections official, on which the affiant may provide the missing information.

(2) Existing provisions of the California Constitution and statute authorize the recall of state officers. Each section of a recall petition is required to be filed with the elections official of the county in which it was circulated. Existing law requires the elections official to report to the Secretary of State, 30 days after a recall has been initiated and every 30 days thereafter, the number of signatures submitted on the recall petition sections, the number of valid signatures, and related information.

Upon the submission of a section of a recall petition, if fewer than 500 signatures are submitted to the elections official, the elections official is required to count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is less, and report the results of that verification to the Secretary of State.

This bill would instead provide that if 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is greater. By increasing the duties of local election officials, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2153 of the Elections Code is amended  
2     to read:  
3     2153. (a) Except as provided in Section 2154, the affidavit of  
4     registration shall show all the facts required to be stated.  
5     (b) If the affidavit does not contain all of the information  
6     required, but the telephone number of the affiant is legible, the  
7     county elections official shall telephone the affiant and attempt to  
8     collect the missing information.  
9     (c) If the affidavit does not contain all of the information  
10    required, and the county elections official is not able to collect the  
11    missing information by telephone, but the mailing address of the  
12    affiant is legible, the county elections official shall inform the  
13    affiant of the reason for rejection and shall send to the affiant-a  
14    either of the following:

1     (1) A new voter registration card or any card.

2     (2) Any other document, as determined by the elections official,  
3     on which the affiant may provide the missing information. *An*  
4     *affiant who provides information pursuant to this paragraph shall*  
5     *certify under penalty of perjury that the information provided is*  
6     *true and correct.*

7     SEC. 2. Section 11105 of the Elections Code is amended to  
8     read:

9     11105. Upon each submission, if fewer than 500 signatures  
10    are submitted to the elections official, he or she shall count the  
11    number of signatures and submit those results to the Secretary of  
12    State. If 500 or more signatures are submitted, the elections official  
13    may verify, using a random sampling technique, either 3 percent  
14    of the signatures submitted, or 500, whichever is greater. The  
15    random sample of signatures to be verified shall be drawn in a  
16    manner that every signature filed with the elections official shall  
17    be given an equal opportunity to be included in the sample. Upon  
18    completion of the signature verification, the elections official shall  
19    report the results to the Secretary of State pursuant to Section  
20    11104.

21    SEC. 3. If the Commission on State Mandates determines that  
22    this act contains costs mandated by the state, reimbursement to  
23    local agencies and school districts for those costs shall be made  
24    pursuant to Part 7 (commencing with Section 17500) of Division  
25    4 of Title 2 of the Government Code.